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Lawsuit considered by Picher School Board

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PICHER — A Kansas City attorney asked members of the Picher School Board and city council Monday to consider joining a class-action lawsuit he intends to bring against mining companies that have left contaminated mine sites in and around the northern Ottawa County city.

"If we can get everybody marching in the same direction we can get a lot of money flowing into Picher and Cardin to help solve the problems here," said Charlie Speer, an attorney with the firm of Payne and Jones. "We can get plenty of money for everyone to use."

Speer pitched a proposal that would have the school district and the cities of Picher and Cardin join a class-action lawsuit he plans to bring in federal court on behalf of individual, commercial and residential property owners who live in and around Picher, a once thriving mining center with a population today of about 1,600.

Cardin is a much smaller town, with about 150 residents, located just west of Picher.

Speer said he would like to see many of the two cities' residents move to another location where a city would be built while the site where they now sit would be turned into federally controlled wetlands.

Having the school district and cities join in the lawsuit would increase its value and make a settlement easier to reach with the mining companies, he said.

"It's a novel approach, but the mining companies might want to settle with the community as a whole rather than one individual at a time," he said. "This would be a good way for them to settle all of this and be done with it."

He said he expected to file the suit in Tulsa in the next three to four months. He also has plans to file personal injury lawsuits on behalf of about a half-dozen Picher residents in the next 60 days. Speer's lawsuit will name seven mining companies as defendants and accuse them of leaving behind lead and zinc mines that have contaminated the air and water over a roughly 40-square mile area of Ottawa County that was placed on the federal Superfund priority list more than 20 years ago.

The mines began to play out in the 1960s and the last was closed in the early 1970s.

"As I've become more involved in this and looked around your community, I am shocked that there are sites like this still existing in our country," Speer told four members of the school board and three city council members at a Monday night meeting.

School board members did not take any action on the proposal Monday, but said they would take it up again at their March 10 meeting. The city council is expected to discuss the proposal at a meeting Thursday night.

"It's our responsibility as a school board to make sure that we take care of what we have here," said John Sparkman, a member of the board who also is chairman of the Tar Creek Basin Steering Committee. "We are solvent and we have a good school.

"We need to make sure our students are taken care of."

Speer said he estimated property owned by the cities and the school district was valued at about

\$25-million.

“That amount should be included in any settlement,” he said. “It’s property that was purchased with tax money provided by citizens.”

Speer said many of the residents he and his staff have spoken with in Picher and

Cardin said they wanted to keep their community together and favored trying to move to a new site, where a new city would be created.

“People here tell me they are especially proud of

their school,” Speer said. “Many have told me they want their children to continue to attend the Picher-Cardin schools.”

Picher Mayor Sam Freeman said he did not believe the citizens of the community all held the same opinion about a resolution of the problems created by the abandoned mines.

“About one-third wouldn’t move for any amount of money and another third would move tonight if they could get a fair price for their property and the other third has just about every opinion you can imagine in between,” he said. “I think we’d have to see what the outcome of the settlement was before we could make any decision.”

Speer said he would like to hold a series of town hall meetings in an effort to reach consensus about what residents wanted.

“You’ve played the game to the end,” he said. “You’ve dealt with the EPA. You’ve dealt with your legislators. You’ve gone to Washington, D.C., and they’ve come from Washington, D.C., to visit you and nothing has happened. That’s why we’re working on a class action lawsuit now.”